

SCOTT N. SCHOOLS (SCBN 9990)
United States Attorney

BRIAN J. STRETCH (CABN 163973)
Chief, Criminal Division

BRIGID S. MARTIN (CABN 231705)
Special Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, CA 94102
Telephone: (415) 436-7129
Facsimile: (415) 436-7234
Email: brigid.martin2@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 07-0473 PJH
Plaintiff,)	
v.)	STIPULATION AND [PROPOSED]
)	ORDER EXCLUDING TIME UNDER THE
)	SPEEDY TRIAL ACT
DONALD CLYBURN,)	
Defendant.)	

The United States and defendant Donald Clyburn stipulate to an exclusion of time under the Speedy Trial Act from August 22, 2007 to October 3, 2007, as follows:

1. On August 22, 2007, the parties made their initial appearance before the District Court Judge.

2. At this appearance, the defendant requested, the government agreed, and the Court approved, an exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(c)(1), from August 22, 2007 to October 3, 2007. The grounds for exclusion were under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv). Failure to grant the requested exclusion of time would unreasonably deny defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Furthermore, the parties agree that the ends of justice served by

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1 excluding the period from August 22, 2007 to October 3, 2007, outweigh the best interest of the
2 public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

3 3. A proposed Order is submitted with this stipulation.
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6 DATED: August 28, 2007

Respectfully submitted,

7 SCOTT N. SCHOOLS
8 United States Attorney

9 /s/ Brigid S. Martin
10 BRIGID S. MARTIN
Special Assistant United States Attorney

11 /s/ Eric Safire
12 ERIC SAFIRE
13 Counsel for Donald Clyburn
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NORTHERN DISTRICT OF CALIFORNIA
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UNITED STATES OF AMERICA,)	No. CR 07-0473 PJH
Plaintiff,)	
v.)	[PROPOSED] ORDER EXCLUDING
)	TIME UNDER THE SPEEDY TRIAL ACT
DONALD CLYBURN,)	
Defendant.)	

Based upon the Stipulation of defendant Donald Clyburn and the United States, and for good cause shown, IT IS HEREBY ORDERED that time under the Speedy Trial Act, 18 U.S.C. § 3161(b), is excluded from August 22, 2007 to October 3, 2007, under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv). The Court finds that the failure to grant this exclusion of time would unreasonably deny counsel for the defendant and the government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. The Court further finds that the ends of justice served by such action outweigh the best interest of the public and the defendant in a speedy trial.

DATED: _____

HON. PHYLLIS J. HAMILTON
United States District Court Judge